



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2014-21 **LEGISTAR #:** 20141098

PROPERTY OWNERS: Greater Community COGIC (Church of God in Christ)
406 Roswell Street
Marietta, GA 30060

APPLICANT: Same as above

PROPERTY ADDRESS: 69 Doran Avenue, 74 Doran Avenue, 99 Doran Avenue,
114 Doran Avenue, 122 Doran Avenue; 439 Chester Street;
66 Olive Street

PARCEL DESCRIPTION: Land Lot 12330 and 12340, District 16, Parcels 43, 46, 56, 45, 124,
123, and 60, 2nd Section, Marietta, Cobb County, Georgia

AREA: 1.677 acres **COUNCIL WARD:** 1A

EXISTING ZONING: R-4 (Single Family Residential – 4 units / acre)

REQUEST: CRC (Community Retail Commercial)

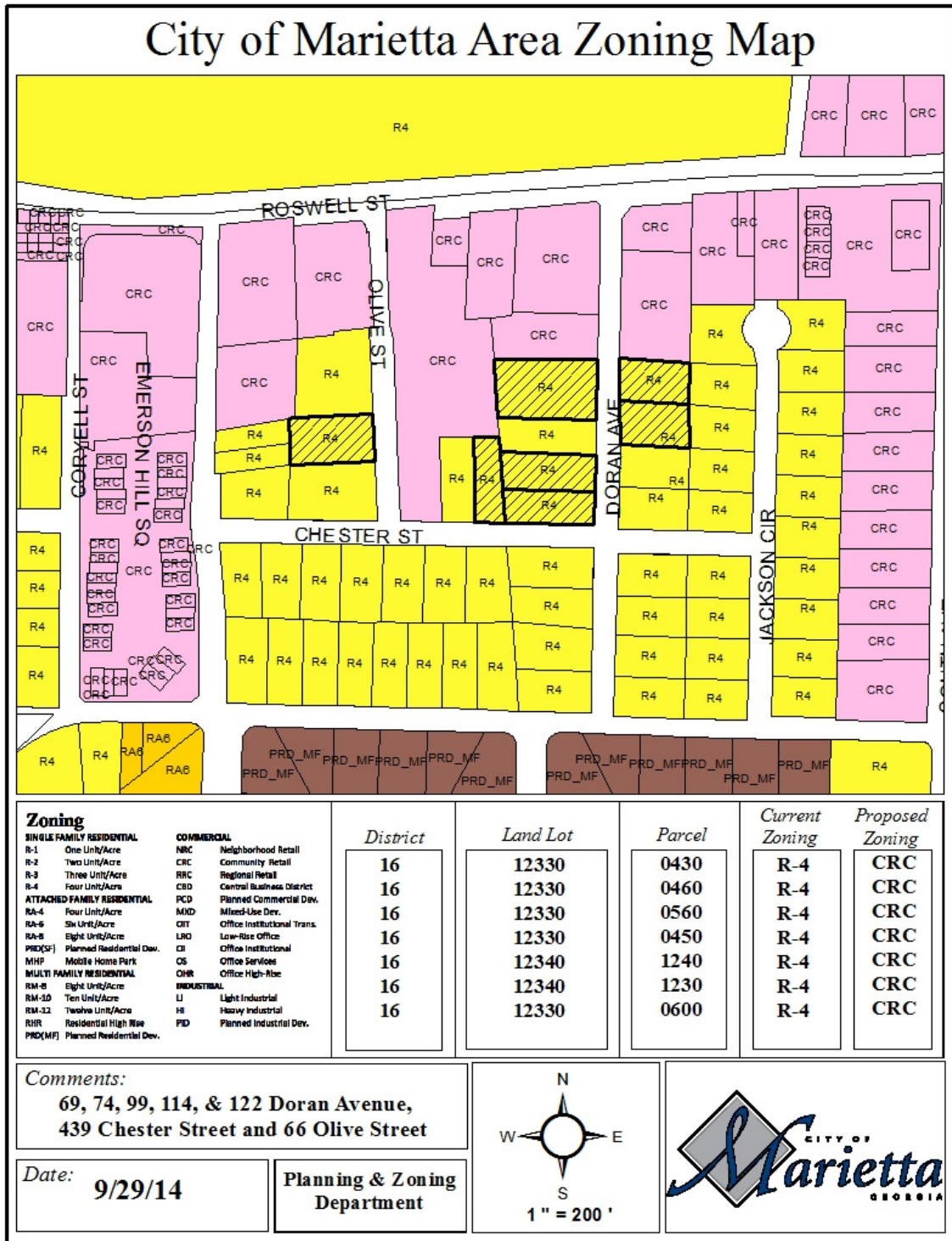
FUTURE LAND USE: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting the rezoning of seven parcels from R-4 to CRC in order to use the vacant parcels as additional parking for the main church facility at 406 Roswell Street. The parcels containing structures will continue being used residentially until the church is ready to submit plans to construct a proper parking lot.

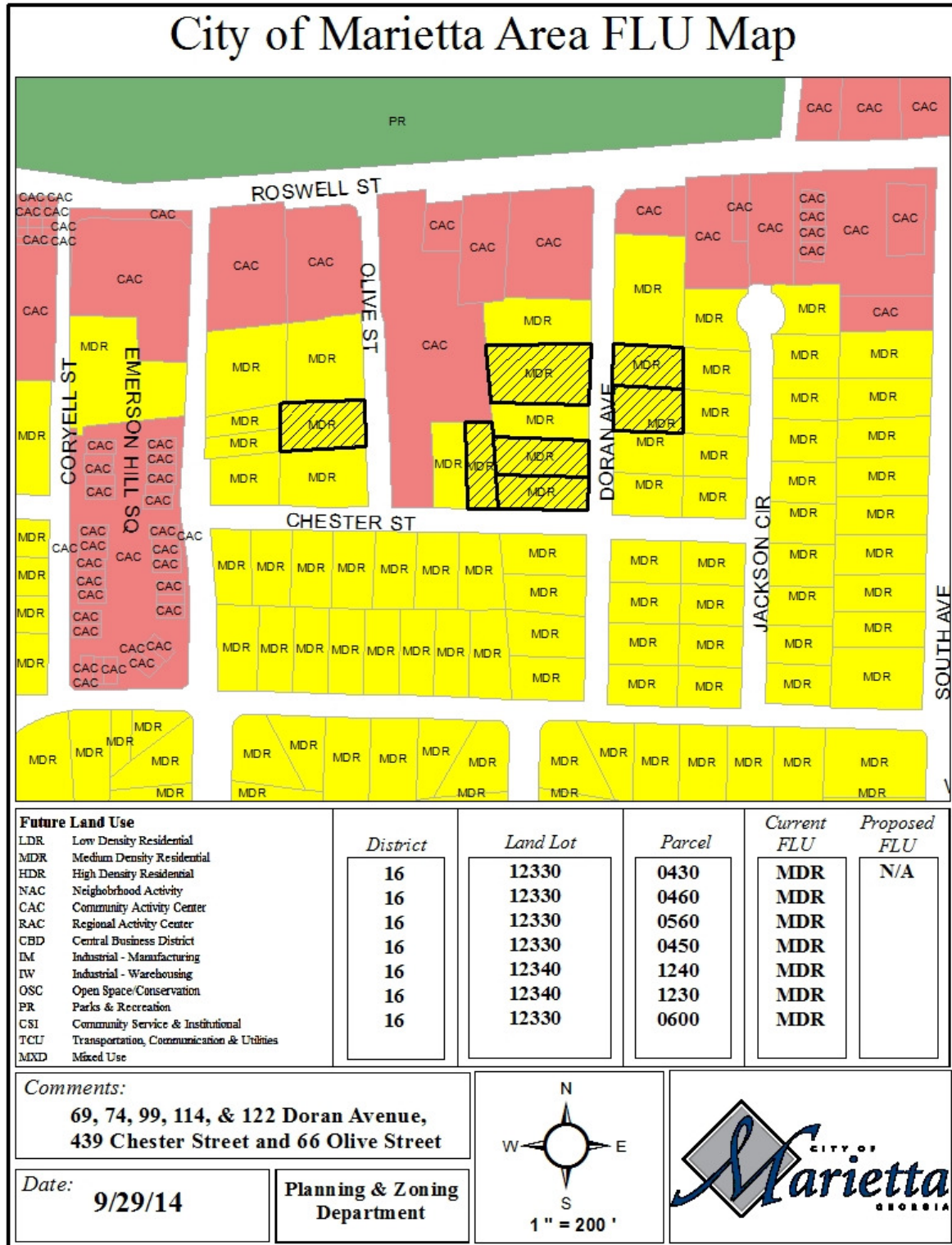
PLANNING COMMISSION HEARING: Wednesday, November 5, 2014 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, November 12, 2014 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



439 Chester Street



69 & 99 Doran Avenue



74 Doran Avenue



114 Doran Avenue



122 Doran Ave – before fire



122 Doran Ave – after fire



66 Olive St



66 Olive St

STAFF ANALYSIS

Location Compatibility

The applicant, Greater Community Church of God in Christ (COGIC), is requesting the rezoning of seven (7) properties located at 69, 74, 99, 114 & 122 Doran Avenue, 439 Chester Street, and 66 Olive Street. The request is to rezone all properties from R-4 (Single Family Residential – 4 units/acre) to CRC (Community Retail Commercial). Four of the properties, 69, 99, and 122 Doran Avenue and 66 Olive Street, are vacant. Two properties along the west side of Doran (74 and 114) and 439 Chester Street contain homes. 122 Doran Avenue has been vacant/ abandoned since 2011 and was burned by the Fire Department on October 8, 2014.

All of these properties lie within the first block south of Roswell Street. Most of these properties are surrounded by other residential properties, although some back up or are adjacent to commercial parcels.

Use Potential and Impacts

The church wishes to use the vacant parcels (69, 99, and 122 Doran Avenue and 66 Olive Street) as additional parking for their facility at 406 Roswell Street. The letter attached with their application states that they have plans to demolish the homes on the other lots within five to seven years and convert the properties into parking lots. A design for a parking lot would be submitted at that time.

All of the parcels that currently contain homes are being leased or being advertised for lease by residential tenants. The church wishes to allow these homes to continue being used residentially, but not used for church parking, until the time comes to build out the parking lot. Should the properties be rezoned to CRC, the homes would be considered legally nonconforming and may continue being used residentially as long as the use is not discontinued for more than a continuous period of 6 months or 18 months over a 3 year period, per Section 706.02 (B.). The structures would also be limited from being expanded.

Buffers are the most common tool in minimizing negative effects of commercial development adjacent to residential. Should these properties be rezoned to CRC, buffer requirements will come into effect. Per Section 708.16 (I.), when any property zoned CRC is adjacent to residentially zoned property, a 40 foot wide buffer is required. However, Section 708.16 (B.39.) states “*If a surface parking lot abuts a single family residential district, a 5 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.*” Since these two regulations conflict with one another, the more restrictive shall govern (§726.02) and a 40 foot buffer would apply. Because of the limited size of the lots for which the church wishes to park, buffer reductions would likely be necessary for 69 & 99 Doran Avenue and 66 Olive Street:

- Variance to reduce the 40’ buffer adjacent residentially zoned properties. §708.16 (I.)

There is a concern with the potential use of the properties if rezoned and the gradual movement of commercial use into a residential area. CRC is a very broad category that allows a wide variety of uses - many of which are not compatible with a residential area. Should the applicant's request be approved, staff suggests limiting the use of the properties to a place of assembly. Another method to minimize the impact on the surrounding residential neighborhood would be to consider a Special Land Use Permit for a place of assembly on the subject parcels, although this would leave the church's properties fragmented and unable to be combined with the main church parcels, since those are zoned CRC.

The Comprehensive Plan designates the Future Land Use (FLU) of these parcels as MDR (Medium Density Residential), which is described as being suitable for single family housing ranging from three (3) to six (6) units per acre. CRC would not be a compatible zoning classification for this FLU and, as a result, would not be supported by the City's Comprehensive Plan.

Environmental Impacts

There is no indication of any wetlands, streams, or endangered species existing on the property.

Any parcel proposed for parking will need to be designed and upgraded per City Ordinances. This includes conducting a hydrology study and paving the lot with an approved surface (asphalt, brick, concrete). The church is requesting a variance to allow the use of gravel on 69, 99, & 122 Doran Avenue and 66 Olive Street:

- Variance to allow the use of gravel as an acceptable parking surface. §716.08 (A) & (B)

Economic Functionality

The four vacant parcels do not have any economic functionality in their current condition. However, each parcel is large enough for a new home to be built on the lot, allowing them to be used residentially. The remaining parcels that contain habitable homes are either being rented by residential tenants or have only recently been vacated. As a result, these properties can be considered as having a reasonable economic use as currently zoned.

Infrastructure

The rezoning and eventual use of these properties as additional parking for the adjacent church should not have any adverse effect on the transportation, education, water, sewer, electricity, or other public infrastructure in the area.



History of Property

Parking has been an issue with the church for some time. In 2004, the church applied for variances (V2004-10) from buffer, impervious surface, and landscaping-related issues at 66 Olive Street. However, the request was withdrawn before the hearing.

Other Issues

These properties lie within 750 feet of Roswell Street, making them subject to the Commercial Corridor Design Overlay – Tier A. Single family residences on individual lots are exempt from these regulations; however, parking lots used in conjunction with a church would be subject to the regulations listed under Section 712.09 (F.).

ANALYSIS & CONCLUSION

Greater Community Church of God in Christ (COGIC), is requesting the rezoning of seven (7) properties located at 69, 74, 99, 114 & 122 Doran Avenue, 439 Chester Street, and 66 Olive Street. The request is to rezone all properties from R-4 to CRC. Four of the properties, 69, 99, and 122 Doran Avenue and 66 Olive Street, are vacant. Two properties along the west side of Doran (74 and 114122) and 439 Chester Street contain homes. 122 Doran Avenue has been vacant/ abandoned since 2011 and was burned by the Fire Department on October 8, 2014.

The letter attached with their application states that they have plans to demolish the homes at 439 Chester Street, 74 & 114 Doran Avenue within five to seven years and convert the properties into parking lots. In the meantime, they wish to gravel the vacant lots (69, 99, and 122 Doran Avenue and 66 Olive Street) to use as additional parking for their facility at 406 Roswell Street, requiring the following variances for the four properties:

- Variance to reduce the 40' buffer adjacent residentially zoned properties. §708.16 (I)
- Variance to allow the use of gravel as an acceptable parking surface. §716.08 (A) & (B)

The church wishes to allow the parcels with residential structure to continue being used residentially, but not used for church parking, until the time comes to build out the parking lot. Should the properties be rezoned to CRC, the homes would be considered legally nonconforming and may continue being used residentially as long as the use is not discontinued for more than a continuous period of 6 months or 18 months over a 3 year period, per Section 706.02 (B.). The structures would also be limited from being expanded.

There is a concern with the potential use of the properties if rezoned and the gradual movement of commercial use into a residential area. CRC is a very broad category that allows a wide variety of uses, many of which are not compatible with a residential area. Should the applicant's request be approved, staff suggests limiting the use of the properties to a place of assembly. Another method to minimize the impact on the surrounding residential neighborhood would be to consider a Special Land Use Permit for a place of assembly on the subject parcels, although this would leave the church's properties fragmented and unable to be combined with the main church parcels, since those are zoned CRC.

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Prepared by: _____

Approved by: _____

DATA APPENDIX

DRAINAGE & ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	NO
What percentage of the property is in the flood plain?	---
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are the storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

TRANSPORTATION -

What is the road effected by the proposed change?	Doran Ave, Chester St, Olive St
What is the classification of the road?	All are Local
What is the traffic count for the road?	No Data Available
Estimated # of cars generated by the proposed development?	---
Estimated # of trips generated by the proposed development?	---
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

- If land disturbance is proposed, Site Plans will be required for construction. Site Plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property,

roads, and areas), stormwater quality (bioretention or other), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal, if it is required. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.

- Demo Permits are required for buildings.
- No parking is allowable on parcels until Site Plans are approved, and hard surface parking lots are installed per City Code.
- *Per City Code Division 716.08B - Minimum standards for surfaces treated and hardened to accommodate vehicles up to 8,000 pounds are as follows:*

Concrete. 4 inches of 2500 psi concrete with control joints at least every 30 feet, or if no control joints are utilized, then wire reinforcement throughout.

Asphalt. Binder and topping course mixes at least 3" thick.

Brick. Bricks laid in a 2" concrete base.



MARIETTA POWER – ELECTRICAL

Does Marietta Power serve this site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If not, can this site be served?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
What special conditions would be involved in serving this site?		
Additional Comments:		

MARIETTA FIRE – EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 51
Distance to the nearest station?	.8 miles
Most likely station for 1 ST response?	Station 51
Service burdens at the nearest city fire station (under, at, or above capacity?)	none
Other than the questions above, please comment on any issues you might have concerning this request for rezoning or variance. <u>Comments:</u> *Comply with all state and local codes for occupancy classification including but not limited to sprinkler system, fire alarm system, and protection of hazards.	



MARIETTA BOARD OF LIGHTS & WATER

WATER – Parking only, no comments.

Is there a water line adjacent to the property?	
If not, how far is the closest water line?	
Size of water line?	
Capacity of water line?	
Approximate water usage by proposed use?	

WASTEWATER – Parking only, no comments.

Is a sewer line adjacent to the property?	
If not, how far is the closest sewer line?	
Size of sewer line?	
Capacity of the sewer line	A.D.F. Peak
Estimated waste generated by proposed development?	
Treatment Plant Name?	
Treatment Plant Capacity?	
Future Plant Availability?	